

APPLICANT RESPONSE STATEMENT- VARIANCES

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

If this application is in response to a variance, please respond to the following standards in the form of a written narrative. In the case of concurrent variances, a response to the standards below should be provided for each variance requested.

1. Explain requested variance.

We request a variance to WMC 7.304 (19) to ask for a 22'-0" +/- total roof projection beyond the rear setback along the Northern property line to extend the roof over the existing outdoor relief/play area in order to provide weather protection for the animals the facility boards. The building and roof overhang both project 8'-0" +/- into the rear setback as it sits currently as a non-conforming condition. There would be no additional square footage added to the conditioned space within the building.

2. There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

This property was originally zoned to allow the construction of the existing building where it is. The City of Woodstock Ordinance, which became effective as of October 9th 2001 changed the zoning of this property to General Commercial. This change placed the existing building within the new rear setback minimum, and would limit what can now be built per the new zoning designation. See attached copy of City Ordinance, Exhibit 2.1.

Also, the Northern property line (rear setback) lies within a steeply sloped wooded area with concrete block retaining walls located at parts. The proposed roof extension would not alter the existing landscape or sloped wooded area.

3. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Locating the boarding area on a different side of the building would expose the boarding area and animals to the street & neighboring properties. Allowing the roof overhang in the rear yard would shelter the use from street view, and protect the animals from street noise. Less permanent covering alternatives would not provide adequate protection for the animals against the elements, and may become unsightly to the business and surrounding properties due to weathering and wear & tear.

4. Such conditions are peculiar to the particular piece of property involved.

The City of Woodstock Ordinance specifically designated parcel 15N05 to be annexed to the City of Woodstock, therefore revising the zoning to General Commercial. Imposing unanticipated changes to future development opportunities

Also, the topography of this property is unique to this property along Eagle Drive and no other location of convenience to provide covered relief/play area.

5. A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

The literal interpretation of the code would not allow the development of this building if the project were to be developed with today's current zoning code setback requirements. The building was originally built before the City of Woodstock approved, adopted and enacted a city ordinance that annexed the property into the city's jurisdiction, and changed the zoning of this parcel on October 9th, 2001 to General Commercial. A neighboring site within city limits for iStorage Self Storage (parcel: 15N05 215 J) with the same zoning appears to have the building itself built even further into the required 30' setback. See exhibit 5.1 on page 3.

6. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.

The intent of the ordinance is to provide separation between buildings on adjacent properties. However, the terrain of the rear setback limits what can be built on either property. The attached site plan and floor plan show that the applicant intends to only extend the roof overhang into the setback, not the condition of the building itself. The addition would enhance the facility with regard to appearance, and to a certain extent, lessen the amount of noise in its current location of the relief/play area.

7. Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

The rear yard of this site is located between the existing building and a steeply sloped wooded terrain which shelters it from the adjacent properties and from Eagle Drive.

8. Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

The property owner is entitled to a reasonable use of their property and the variance request is necessary for the preservation of this property right.

9. The condition from which relief or a variance is sought did not result from willful action by the applicant.

The applicant is applying for a variance and/or relief of enforcement of the required new setback because of the city's annexation of the property places undue hardship on the owner of the property due to the change from the original zoning of the existing building, thus limiting what the applicant is able to develop on their property.

10. Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.

Granting this variance and approving the plans as submitted will not impair surrounding property values or negatively impact the general welfare of the citizens of Woodstock. This project will promote the welfare of animals being boarded by protecting them from the elements while being an attractive element of the property.